



**Department of Energy**  
Washington, DC 20585

December 6, 2017

Dr. Charles F. McMillan, President  
Los Alamos National Security, LLC  
Los Alamos National Laboratory  
Mailstop A 100, Drop Point 03140071S  
Bikini Atoll Road, TA-3  
Los Alamos, New Mexico 87545-1663

Dear Dr. McMillan:

This letter serves as notification of the Office of Enterprise Assessments' Office of Enforcement's decision to conduct an investigation into the facts and circumstances associated with a September 13, 2017, event involving a near miss to a fatality when a LANS worker entered a room containing an oxygen deficient atmosphere. The event revealed potential deficiencies in Los Alamos National Security, LLC's (LANS) implementation of the Department of Energy's (DOE) 10 C.F.R. Part 851 requirements for emergency response and pressure system design. LANS reported this event into DOE's Occurrence Reporting and Processing System under NA--LASO-LANL-PHYSCOMPLX-2017-0001, *Near Miss: Worker Enters Room During Low Oxygen Alarm Activation*, dated September 18, 2017.

The Office of Enforcement will conduct this investigation pursuant to the authority set forth in 10 C.F.R. § 851.40(a), *Investigations and inspections*. The investigation will include an onsite visit and interviews with contractor personnel.

A request for documents to support this investigation will be provided separately via e-mail. Your cooperation to ensure timely submission of all documents to our office by the date requested in the e-mail is appreciated.

Under the Major Fraud Act (MFA), as amended, 41 U.S.C. § 4310, this investigation may be a proceeding commenced by the United States that relates to a violation of, or the failure to comply with, a Federal regulation. Costs incurred in connection with such a proceeding are subject to the reimbursement restrictions of the MFA implemented at 48 C.F.R. § 31.205-47. As a result, LANS should track any costs incurred that are directly attributable to supporting the DOE's investigation, subsequent to receipt of this letter, and segregate them from other potentially allowable costs.



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If you have any questions concerning this letter, please contact me at (301) 903-7707, or your staff may contact Dr. Anthony Pierpoint, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,



Kevin L. Dressman  
Acting Director  
Office of Enforcement  
Office of Enterprise Assessments

cc: William Goodrum, NA-LA  
Rachel Schroeder, LANS